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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FILED/ACCEPTED

SEP 10 2007

Federal Communications Commission  
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b)	)	
Table of Allotments	)	MB Docket No. 03-44
FM Broadcast Stations	)	RM - 10650
(Water Mill and Noyack, New York)	)	RM - 11396
	)	

To: Office of the Secretary  
Attn: Audio Division, Media Bureau

REPLY COMMENTS

Sacred Heart University, Inc. ("SHU"), by its counsel, hereby files its Reply to the Comments filed by Isabel Sepulveda, Inc. ("ISI") on Aug. 22, 2007. These Comments were submitted in response to the Petition for Reconsideration submitted by SHU on March 27, 2006 and published in the Federal Register on August 10, 2007.<sup>1</sup> The purpose of the Petition for Reconsideration was to call to the Commission's attention the Counterproposal filed by SHU on April 11, 2003, because it was never considered by the Commission.<sup>2</sup> ISI's Comments ask the Commission to deny the Counterproposal because SHU was granted the relief that it originally asked for. However, the circumstances involved in this proceeding have changed significantly over the past four (4) years since the Counterproposal was filed and these changed circumstances warrant consideration of SHU's request to reserve Ch.\*277A at Noyack, New York for noncommercial educational use. In support hereof, SHU states as follows:

<sup>1</sup> See Public Notice of August 1, 2007, Report No. 2823.

<sup>2</sup> On August 28, 2007, the Commission announced its acceptance of the Counterproposal. See Public Notice Report No. 2830. The reply date for this Counterproposal will be Sept. 12, 2007.

1. In response to the Petition filed by ISI for the allotment of Ch. 277A at Water Mill, New York, SHU suggested the allotment of Ch. 233A instead, in order to preserve SHU's translator Station W277AB at Noyack, New York. SHU also operates Station WSUF(FM) on Channel 210B1 at Noyack, New York<sup>3</sup> and also proposed to reserve Ch. 277A at Noyack, New York and modify the license for Station WSUF to specify that channel. SHU explained that due to the constraints placed on WSUF, including vertical polarization, operation on Ch. 277 as a Class A facility would actually improve its coverage. The Commission issued the Report and Order<sup>4</sup> allotting Ch. 233A to Water Mill, New York but gave no consideration to the Counterproposal.

2. Monroe Board of Education filed a Petition for Reconsideration arguing that Ch. 233A would cause severe interference to three translators licensed to it and the Commission should not favor SHU's translator over those of Monroe. Since Monroe had not participated in this proceeding earlier, the Commission did not have the opportunity to resolve this issue at an earlier stage. SHU has pointed out that Monroe has a high burden to justify why it was not possible for it to participate earlier in this proceeding which is a prerequisite to filing a Petition for Reconsideration.<sup>5</sup> In addition, SHU demonstrated that one of Monroe's translators should not be affected by the operation of Ch. 233A at Water Mill and the other two (2) translators could be modified and thereby continue to operate.<sup>6</sup>

3. SHU has also questioned ISI's interest in serving Water Mill and pointed out to the Commission that ISI failed in every one of its pleadings to verify its expression of interest in

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<sup>3</sup> Translator Station W277AB rebroadcasts Station WSHU-FM, Fairfield, Connecticut.

<sup>4</sup> 21 FCC Rcd 1150 (2006).

<sup>5</sup> See SHU's Opposition to Petition for Reconsideration filed April 27, 2007, pp 1-2.

<sup>6</sup> Id.

violation of Section 1.52 of the Commission's Rules.<sup>7</sup> Such a defect is considered an abuse of process and cannot be cured when it would adversely affect other parties' interests.<sup>8</sup>

4. Thus, based on the filing of a Petition for Reconsideration by Monroe, the failure of ISI to verify its expression of interest and the upcoming noncommercial educational window filing opportunity (October 12-19, 2007), the circumstances in this proceeding have changed drastically since the filing of SHU's Counterproposal over four (4) years ago. These changed circumstances justify consideration of the Counterproposal under Section 1.429 of the Commission's Rules regardless of the interpretation by the Commission and by ISI of SHU's intent when it originally filed its Counterproposal.<sup>9</sup>

5. Prior to the filing of the Monroe Petition for Reconsideration, the Commission was primarily concerned with the allotment of either Ch. 277A or 233A at Water Mill. SHU had the foresight to propose Ch. \*277 at Noyack, NY in lieu of allocating Ch. 277A at Water Mill. Now that the Commission cannot consider ISI's interest in Water Mill, and no other interest has been expressed in serving Water Mill, there is no longer a need for the Commission to consider Monroe's Petition for Reconsideration and make a choice between Ch. 233A and 277A at Water Mill. The only proposal left for consideration is the allotment and reservation of Ch.\*277A at Noyack for WSUF's use.

6. As stated in the Counterproposal, WSUF currently operates on Ch. 210B1 with a directional antenna and is vertically polarized to protect Ch. 6, Station WLNE, New Bedford,

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<sup>7</sup> See Reply dated August 17, 2007.

<sup>8</sup> *Lincoln, Orange Beach, Steelville, and Warsaw, Missouri*, 17 FCC Rcd 6119, 6123 (2002).

<sup>9</sup> See, e.g. *Blackshear, Richmond Hill and Folkston, Georgia*, 4 FC Rcd 1608 (1989) (Commission reversed its decision in underlying rule making proceeding based on changed circumstances noted in petitions for reconsideration filed pursuant to Section 1.429).

Massachusetts.<sup>10</sup> As a result of this protection, WSUF's coverage is less than a full Class A signal despite its Class B1 designation. See attached *Engineering Statement*. That fact, along with the showing attached hereto that the rest of the noncommercial educational band is precluded from use by the Ch. 6 station, justifies the reservation of a commercial channel for noncommercial educational use.<sup>11</sup> In addition to the Ch. 6 preclusion, the reserved portion of the FM band is unavailable and the allotment of Ch. \*277A at Noyack, New York will provide a second NCE signal to 23,654 which is 22.9% of the Ch. \*277A 60 dBu population total of 103,430.<sup>12</sup> See Figures 1 and 3.

7. SHU previously cited authority for the modification of WSUF's license from the noncommercial educational band to the commercial band on a reserved channel.<sup>13</sup> Thus clearly it is in the public interest to consider the allotment of Ch. \*277A to Noyack, New York.

8. The public interest would be served by providing a second NCE service to this portion of Long Island with 23,654 persons in an area of 135 sq. km. In addition, by moving from ch. 210B1 to Ch. \*277A, SHU can reach 26,812 more persons (a 189% increase) in an area with 269 more sq. km (a 143% increase) within its 70 dBu contour and 33,549 more persons (a 48.8% increase) in an area of 314 sq. km (a 49.2% increase) within its 60 dBu contour.

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<sup>10</sup> The directional antenna restricts WSUF's signal to the west. The Ch. 6 protection causes the station to operate with 1.9 kW ERP horizontal at 109 meters HAAT. As a result, most of the remaining signal is wasted over water. The population within WSUF's 60 dBu contour is 68,081. An unrestricted Class A signal ( 6 kW at 100 meters) will provide coverage to 103,430 pop. within its 60 dBu contour.

<sup>11</sup> See *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, MM Docket No. 95-31, *First Report and Order*, 15 FCC Rcd 7386 (2000); *Second Report and Order*, 18 FCC Rcd 6691 (2003).

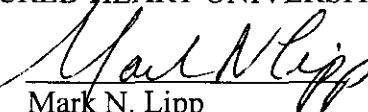
<sup>12</sup> *Id.*

<sup>13</sup> SHU's Counterproposal at p.4. See e.g. *Siloam Springs, Arkansas*, 2 FCC Rcd 7485 (1989) *aff'd* 4 FCC Rcd 4920 (1989); *Bulls Gap, Tennessee*, 10 FCC Rcd 10444 (1995); cf. *Rosendale, New York*, 10 FCC Rcd 11471 (1995); *recons. denied*, 11 FCC Rcd 3607 (1996); *review denied*, 13 FCC Rcd 20590 (1998).

9. Therefore, the Commission should act in accordance with the public interest rather than focus on the quoted language cited by ISI which has been entirely superseded by subsequent events. SHU urges the Commission to allot and reserve Ch. \*277A at Noyack, NY and modify WSUF's license to specify Ch. \*277A accordingly.

Respectfully Submitted,

SACRED HEART UNIVERSITY, INC.

By: 

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Its Counsel

September 10, 2007

**ENGINEERING STATEMENT IN SUPPORT OF COUNTERPROPOSAL  
TO ALLOT CH 277A TO NOYACK, NEW YORK AS A RESERVED NCE CHANNEL  
PREPARED ON BEHALF OF  
SACRED HEART UNIVERSITY, INC.**

**SEPTEMBER 2007**

**ENGINEERING NARRATIVE**

The following engineering statement has been prepared on behalf of Sacred Heart University, Inc. ("SHU") in support of its proposal to amend *Section 73.202(b)* of the Rules and Regulations to add Channel 277A at Noyack, New York as a Reserved Channel.

*Exhibit I* is an allocation study employing the proposed CH 277A allotment coordinates at N.L. 40-54-21, W.L. 72-21-45. *Section 73.207* minimum distance separations are met to all authorized facilities. The proposed allotment coordinates are located 9.8 kilometers from the community reference coordinates for Noyack, New York. *Exhibit II* is a preclusion study for Channels 201 - 220 demonstrating that each channel is precluded at the community reference coordinates for Noyack, New York based upon an ERP of 100 watts and a HAAT of 100 meters.

*Figure 1* depicts the predicted 70 & 60 dBu allotment contours based on the proposed allotment site. The 70 dBu contour envelops 100% of the community boundary of Noyack, New York. Population inside the 70 dBu contour is 41,032 persons in a land area of 457.3 square kilometers. Population inside the 60 dBu contour is 103,430 persons in a land area of 954.7 square kilometers.

*Figure 2* depicts predicted 60 dBu contours for the licensed WSUF CH 210B facility licensed to Noyack, New York. SHU proposes to delete CH 210B1 at Noyack and substitute CH 277A in its place. The WSUF site is located 124.7 km from WLNE TV6 New Bedford, Massachusetts and broadcasts with a mixed polarity antenna system in order to protect WLNE from NCE FM band interference as required by 73.525 of the Rules. The WSUF site is located 75.8 km from the transmitter site of WBNE(DT) CH 6 New Haven, Connecticut. Currently, there are no Rule requirements for protection to or from DTV stations and NCE FM stations. Since CH 6 is specified for WBNE and CH 49 for WLNE in the Final Assignment of Digital Television Channels, MB Docket No. 87-268, FCC Public Notice Dated August 6, 2007, it is possible that future Rule changes could impose further protection requirements on NCE facilities located on Long Island even after the transition date.

WSUF is licensed for an ERP of 1.9 kW for horizontal polarization with a nondirectional antenna. Population in the 70 dBu contour for this facility is 14,220 persons in a land area of 188.3 square kilometers. Population in the 60 dBu contour for this facility is 68,081 persons in a land area of 640 square kilometers. The vertically polarized ERP is 12 kW with a directional antenna. Population and land area are not analyzed for this facility for the reasons set forth below.

SHU's proposed use of CH 277A, with the industry standard of circular polarization<sup>1</sup>, would result in a gain of 26,812 persons in an area of 269 square kilometers in the 70 dBu contour. The CH 277A proposed 60 dBu contour would result in a gain of 35,349 persons in an area of 314.7 square kilometers. These gains are summarized in the table below:

	<u>WSUF CH 210</u>		<u>CH 277A</u>	
70 dBu Contour:	14,200 persons	188.3 sq. kM	41,032 persons	457.3 sq. kM
gain:			26,832 persons = 189%	269 sq kM = 143%
60 dBu Contour:	68,801 persons	640 sq. kM	103,430 persons	954.7 sq. kM
gain:			33,549 persons = 48.8%	314.7 sq kM = 49.2%

It is respectfully submitted that this is the correct public interest analysis for the following reasons. Except for rare cases when the receiver is within line of site of the transmitting antenna, a rare circumstance in the rolling hilly terrain on outer Long Island, the polarization of the signal arriving at the receiver has been modified by reflection and its true polarization cannot be known. Circularly polarized antennas overcome this deficiency as equal power is radiated in both horizontal and vertical polarizations. In the case of the WSUF licensed antenna system, the greater vertically polarized service area does not actually exist at many receive locations due to ground and building reflections between the transmitting antenna and the receiver causing the received signal to arrive at the antenna in polarizations other than

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<sup>1</sup>Rule Section 73.316 sets out horizontal polarization as standard and circular or elliptical polarized if desired. Since the Rule was amended in 1984, it is believed fair to state that circular/elliptical polarization is considered the standard in the United States.

vertical. This results in the WSUF real world signal being deficient when compared to some Class A stations on outer Long Island. The perception that NCE FM stations operating in the reserved band with *vertical only or high ratios of mixed vertical and horizontally polarized signals* have weaker signals than their circularly polarized neighbors is believed commonplace.

Figure 3 depicts the proposed CH 277A allotment 60 dBu in red and the authorized 60 dBu contours for all pertinent NCE FM stations in blue. It may be seen from examination of this Figure that the proposed CH 277A NCE allotment will provide a significant new NCE 2<sup>nd</sup> service to 23,654 persons in an area of 135 square kilometers.

Figure 4 depicts the proposed CH 277A allotment 60 dBu in red and the authorized primary contours for all stations in the non reserved band. Class B station contours are plotted in green while Class A station contours are plotted in blue. It may be seen from examination of the Figure that, as a commercial reservation, no 1<sup>st</sup> or 2<sup>nd</sup> aural service will be provided.

## CONCLUSION

To conclude, the proposed NCE allotment of CH 277A at Noyack, New York would be in the public interest based on the factors summarized below:

Allotment of CH 277A to Noyack as a NCE channel allows the current inferior CH 210B1 technical facility to be deleted without loss of service to Noyack.

CH 277A would bring horizontally polarized 60 dBu service to 35,349 persons not currently receiving service from the WSUF licensed facility.

Reserving CH 277A for NCE FM use allows a new 2<sup>nd</sup> aural service to be provided to 23,654 persons in an area of 135 square kilometers. No new 1<sup>st</sup> or 2<sup>nd</sup> aural service is associated with non reserved use of CH 277A at Noyack, New York.



The foregoing was prepared on behalf of Sacred Heart University, Inc. by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The undersigned certifies, under penalty of perjury, that the statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By 

**Clarence M. Beverage**  
for Communications Technologies, Inc.  
Marlton, New Jersey

September 10, 2007

**Table 1**

**73.207 SPACING STUDY  
CH277A NOYACK, NEW YORK  
SEPTEMBER 2007**

Search of channel 277 (103.3 MHz Class A) at 40-54-21.0 N, 72-21-45.0 W.

CALL	CITY	ST	CHN	CL	DIST	SEP	BRNG	CLEARANCE
	NOYACK	NY	277	A	0.00	115.00	90.0	-115.0
	WATER MILL	NY	277	A	0.00	115.00	90.0	-115.0
WBZO	BAY SHORE	NY	276	A	73.83	72.00	256.7	1.8
WRCN-FM	RIVERHEAD	NY	280	A	34.47	31.00	260.1	3.5
WODS	BOSTON	MA	277	B	182.32	178.00	30.9	4.3
WDRC-FM	HARTFORD	CT	275	B	83.35	69.00	331.3	14.3
WEEI-FM	WESTERLY	RI	279	B	92.16	69.00	32.1	23.2
WKTU	LAKE SUCCESS	NY	278	B	138.08	113.00	263.2	25.1
WPRB	PRINCETON	NJ	277	B	204.26	178.00	253.0	26.3
WEEI-FM	WESTERLY	RI	279	B	96.09	69.00	39.2	27.1
WPRB	PRINCETON	NJ	277	B	208.53	178.00	251.3	30.5
WQQQ	SHARON	CT	277	A	151.32	115.00	318.5	36.3

# EXHIBIT II

## NCE FM PRECLUSION STUDY - NOYACK, NEW YORK

FEBRUARY 2007

Frequency search at 40-59-44.0 N, 72-20-30.0 W.

### CHANNEL 200

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WLIU	NY	SOUTHAMPTON	88.3	202	25000.0	B1	LIC	14.79	48.00	-33.2
WLIU	NY	SOUTHAMPTON	88.3	202	4500.0	B1	LIC	14.79	48.00	-33.2
WMNR	CT	MONROE	88.1	201	5000.0	B1	LIC	84.55	96.00	-11.5
WKIV	RI	WESTERLY	88.1	201	1200.0	A	CP	62.36	72.00	-9.6
WKIV	RI	WESTERLY	88.1	201	100.0	A	LIC	62.37	72.00	-9.6
WESU	CT	MIDDLETOWN	88.1	201	6000.0	A	APP	67.50	72.00	-4.5
WESU	CT	MIDDLETOWN	88.1	201	1500.0	A	LIC	67.50	72.00	-4.5

### Listing of Channel: 201

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WLIU	NY	SOUTHAMPTON	88.3	202	4500.0	B1	LIC	14.79	96.00	-81.2
WMNR	CT	MONROE	88.1	201	330.0	B1	LIC	84.55	143.00	-58.5
WKIV	RI	WESTERLY	88.1	201	100.0	A	LIC	62.37	115.00	-52.6
WKIV	RI	WESTERLY	88.1	201	1200.0	A	CP	62.36	115.00	-52.6
WESU	CT	MIDDLETOWN	88.1	201	6000.0	A	APP	67.50	115.00	-47.5
WXBA	NY	BRENTWOOD	88.1	201	180.0	A	LIC	80.91	115.00	-34.1
WCWP	NY	BROOKVILLE	88.1	201	100.0	A	LIC	107.62	115.00	-7.4

## EXHIBIT II PAGE 2

## NCE FM PRECLUSION STUDY - NOYACK, NEW YORK

FEBRUARY 2007

## Listing of Channel: 202

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WLIU	NY	SOUTHAMPTON	88.3	202	4500.0	B1	LIC	14.79	143.00	-128.2
WMNR	CT	MONROE	88.1	201	5000.0	B1	LIC	84.55	96.00	-11.5
WKIV	RI	WESTERLY	88.1	201	1200.0	A	CP	62.36	72.00	-9.6
WESU	CT	MIDDLETOWN	88.1	201	6000.0	A	APP	67.50	72.00	-4.5

## Listing of Channel: 203

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WLIU	NY	SOUTHAMPTON	88.3	202	25000.0	B1	LIC	14.79	96.00	-81.2
WPKM	NY	MONTAUK	88.7	204	1700.0	A	LIC	31.04	72.00	-41.0
WVOF	CT	FAIRFIELD	88.5	203	100.0	A	LIC	79.26	115.00	-35.7
WFCR	MA	AMHERST	88.5	203	13000.0	B	LIC	152.10	178.00	-25.9
WKWZ	NY	SYOSSET	88.5	203	125.0	A	LIC	96.98	115.00	-18.0
WPOB	NY	PLAINVIEW	88.5	203	125.0	A	LIC	96.98	115.00	-18.0
WEDW-FM	CT	STAMFORD	88.5	203	2000.0	A	LIC	99.83	115.00	-15.2
WNHU	CT	WEST HAVEN	88.7	204	1700.0	A	LIC	61.51	72.00	-10.5

# EXHIBIT II PAGE 3

## NCE FM PRECLUSION STUDY - NOYACK, NEW YORK

FEBRUARY 2007

### Listing of Channel: 204

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WPKM	NY	MONTAUK	88.7	204	1700.0	A	LIC	31.04	115.00	-84.0
WNHU	CT	WEST HAVEN	88.7	204	1700.0	A	LIC	61.51	115.00	-53.5
WLIU	NY	SOUTHAMPTON	88.3	202	25000.0	B1	LIC	14.79	48.00	-33.2
WJMF	RI	SMITHFIELD	88.7	204	8500.0	B1	APP	122.70	143.00	-20.3
WRHU	NY	HEMPSTEAD	88.7	204	470.0	A	LIC	110.77	115.00	-4.2

### Listing of Channel: 205

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WJMJ	CT	HARTFORD	88.9	205	6200.0	B1	LIC	100.25	143.00	-42.8
WFRS	NY	SMITHTOWN	88.9	205	1500.0	A	LIC	73.66	115.00	-41.3
WPKM	NY	MONTAUK	88.7	204	1700.0	A	LIC	31.04	72.00	-41.0
WNPR	CT	NORWICH	89.1	206	5100.0	B1	LIC	60.01	96.00	-36.0
WLIU	NY	SOUTHAMPTON	88.3	202	4500.0	B1	LIC	14.79	48.00	-33.2
WNHU	CT	WEST HAVEN	88.7	204	1700.0	A	LIC	61.51	72.00	-10.5

### Listing of Channel: 206

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WNPR	CT	NORWICH	89.1	206	5100.0	B1	LIC	60.01	143.00	-83.0
WNYU-FM NY	NEW YORK	NEW YORK	89.1	206	8300.0	B1	LIC	133.27	143.00	-9.7
WPKM	NY	MONTAUK	88.7	204	1700.0	A	LIC	31.04	31.00	0.0

# EXHIBIT II PAGE 4

## NCE FM PRECLUSION STUDY - NOYACK, NEW YORK

FEBRUARY 2007

### Listing of Channel: 207

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WNPR	CT	NORWICH	89.1	206	5100.0	B1	LIC	60.01	96.00	-36.0
WPKN	CT	BRIDGEPORT	89.5	208	10000.0	B	LIC	77.53	113.00	-35.5
WRTC-FM CT		HARTFORD	89.3	207	300.0	A	LIC	88.92	115.00	-26.1
WUMD	MA	NORTH DARTMOUTH	89.3	207	9600.0	B1	LIC	132.06	143.00	-10.9

### Listing of Channel: 208

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WPKN	CT	BRIDGEPORT	89.5	208	10000.0	B	LIC	77.53	178.00	-100.5

### Listing of Channel: 209

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WPKN	CT	BRIDGEPORT	89.5	208	10000.0	B	LIC	77.53	113.00	-35.5
WGBH	MA	BOSTON	89.7	209	98000.0	B	LIC	169.45	178.00	-8.5

### Listing of Channel: 210

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WUSB	NY	STONY BROOK	90.1	211	3600.0	B1	LIC	61.22	96.00	-34.8
WQTQ	CT	HARTFORD	89.9	210	115.0	A	LIC	93.72	115.00	-21.3
WAPJ	CT	TORRINGTON	89.9	210	40.0	A	LIC	112.93	115.00	-2.1
WKCR-FM NY		NEW YORK	89.9	210	745.0	B1	CP	141.32	143.00	-1.7

# EXHIBIT II PAGE 5

## NCE FM PRECLUSION STUDY - NOYACK, NEW YORK

FEBRUARY 2007

### Listing of Channel: 211

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WUSB	NY	STONY BROOK	90.1	211	3600.0	B1	LIC	61.22	143.00	-81.8
WRXC	CT	SHELTON	90.1	211	45.0	A	LIC	76.47	115.00	-38.5
WECS	CT	WILLIMANTIC	90.1	211	430.0	A	LIC	77.09	115.00	-37.9

### Listing of Channel: 212

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WPKT	CT	MERIDEN	90.5	213	18500.0	B	LIC	75.69	113.00	-37.3
WUSB	NY	STONY BROOK	90.1	211	3600.0	B1	LIC	61.22	96.00	-34.8
WWPT	CT	WESTPORT	90.3	212	330.0	A	LIC	85.22	115.00	-29.8
WRIU	RI	KINGSTON	90.3	212	3400.0	A	LIC	88.07	115.00	-26.9
WHPC	NY	GARDEN CITY	90.3	212	500.0	A	LIC	109.51	115.00	-5.5

### Listing of Channel: 213

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WPKT	CT	MERIDEN 9	0.5	213	18500.0	B	LIC	75.69	178.00	-102.3

### Listing of Channel: 214

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WFUV	NY	NEW YORK	90.7	214	23000.0	B	LIC	130.00	178.00	-48.0
WRLI-FM NY		SOUTHAMPTON	91.3	217	10000.0	B1	LIC	7.78	48.00	-40.2
WPKT	CT	MERIDEN	90.5	213	18500.0	B	LIC	75.69	113.00	-37.3
WCNI	CT	NEW LONDON	90.9	215	2000.0	A	LIC	47.13	72.00	-24.9
WJHD	RI	PORTSMOUTH	90.7	214	360.0	A	LIC	112.05	115.00	-3.0

# EXHIBIT II PAGE 6

## NCE FM PRECLUSION STUDY - NOYACK, NEW YORK

FEBRUARY 2007

### Listing of Channel: 215

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WCNI CT	NEW LONDON	90.9	215	2000.0	A	LIC	47.13	115.00	-67.9	
WRLI-FM NY	SOUTHAMPTON	91.3	217	10000.0	B1	LIC	7.78	48.00	-40.2	
WSHU-FM CT	FAIRFIELD	91.1	216	20000.0	B	LIC	77.56	113.00	-35.4	
WBUR-FM MA	BOSTON	90.9	215	12000.0	B	LIC	172.91	178.00	-5.1	

### Listing of Channel: 216

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WSHU-FM CT	FAIRFIELD	91.1	216	20000.0	B	LIC	77.56	178.00	-100.4	
WRLI-FM NY	SOUTHAMPTON	91.3	217	10000.0	B1	LIC	7.78	96.00	-88.2	
WCNI CT	NEW LONDON	90.9	215	2000.0	A	LIC	47.13	72.00	-24.9	
WBVC CT	POMFRET	91.1	216	100.0	A	LIC	104.51	115.00	-10.5	

### Listing of Channel: 217

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WRLI-FM NY	SOUTHAMPTON	91.3	217	10000.0	B1	LIC	7.78	143.00	-135.2	
WSHU-FM CT	FAIRFIELD	91.1	216	20000.0	B	LIC	77.56	113.00	-35.4	
WGRS CT	GUILFORD	91.5	218	3100.0	A	LIC	42.05	72.00	-29.9	
NEW RI	WAKEFIELD	91.3	217	200.0	A	APP	92.64	115.00	-22.4	
WWUH CT	WEST HARTFORD	91.3	217	440.0	A	LIC	94.78	115.00	-20.2	



# EXHIBIT II PAGE 7

## NCE FM PRECLUSION STUDY - NOYACK, NEW YORK

FEBRUARY 2007

### Listing of Channel: 218

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WRLI-FM NY		SOUTHAMPTON	91.3	217	10000.0	B1	LIC	7.78	96.00	-88.2
WGRS	CT	GUILFORD	91.5	218	6000.0	A	CP	42.05	115.00	-72.9
WNYE	NY	NEW YORK	91.5	218	18000.0	B	LIC	142.05	178.00	-35.9
WLNG	NY	SAG HARBOR	92.1	221	5300.0	A	LIC	2.68	31.00	-28.3
WCVY	RI	COVENTRY	91.5	218	200.0	A	LIC	99.01	115.00	-16.0
WRJI	RI	EAST GREENWICH	91.5	218	55.0	A	LIC	102.01	115.00	-13.0
WHUS	CT	STORRS	91.7	219	4400.0	B1	LIC	91.14	96.00	-4.9

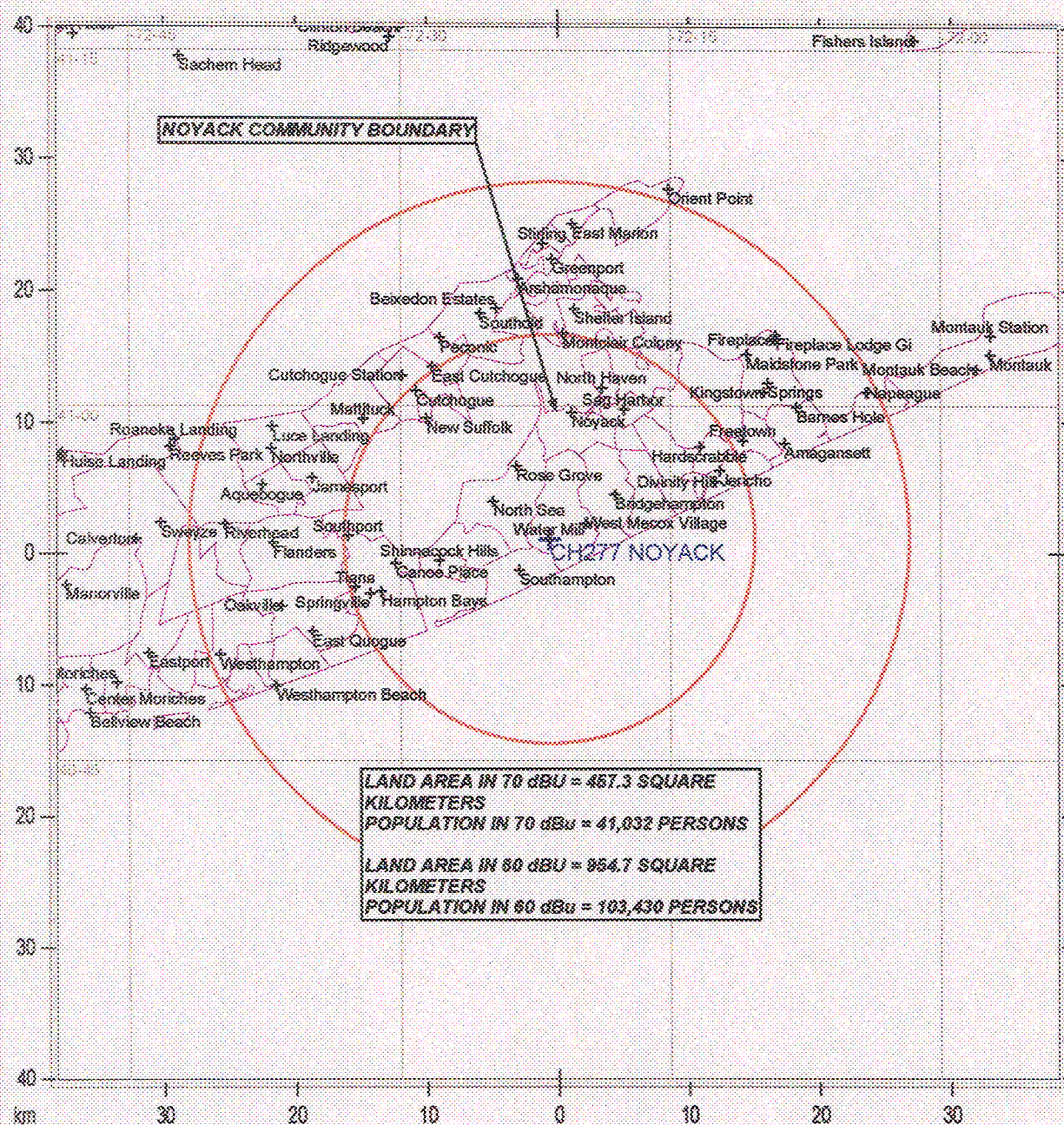
### Listing of Channel: 219

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WHUS	CT	STORRS	91.7	219	4400.0	B1	LIC	91.14	143.00	-51.9
WRLI-FM NY		SOUTHAMPTON	91.3	217	10000.0	B1	LIC	7.78	48.00	-40.2
WGRS	CT	GUILFORD	91.5	218	6000.0	A	CP	42.05	72.00	-29.9
WLNG	NY	SAG HARBOR	92.1	221	5300.0	A	LIC	2.68	31.00	-28.3
WXCI	CT	DANBURY	91.7	219	3000.0	A	LIC	105.84	115.00	-9.2

### Listing of Channel: 220

Callsign	State	City	Freq	Channel	ERP_w	Class	Status	Distance_km	Sep	Clr
WLNG	NY	SAG HARBOR	92.1	221	5300.0	A	LIC	2.68	72.00	-69.3
WSHR	NY	LAKE RONKONKOMA	91.9	220	6000.0	A	LIC	66.27	115.00	-48.7
WRLI-FM NY		SOUTHAMPTON	91.3	217	10000.0	B1	LIC	7.78	48.00	-40.2

## CH277A 6 kW @ 100 M HAAT NOYACK, NEW YORK

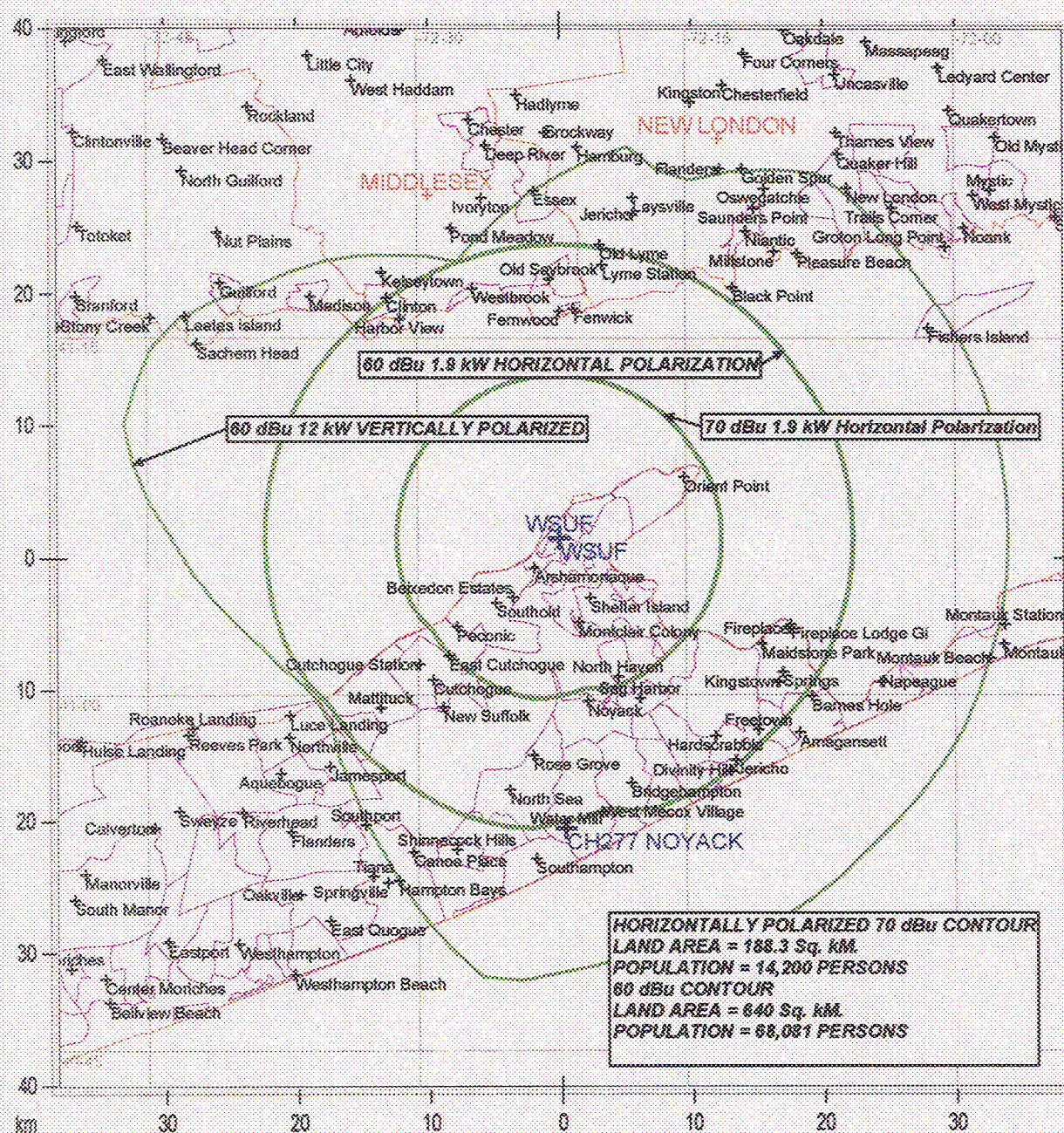


Communications Technologies, Inc. Marlton, New Jersey

City Borders Lat/Lon Grid



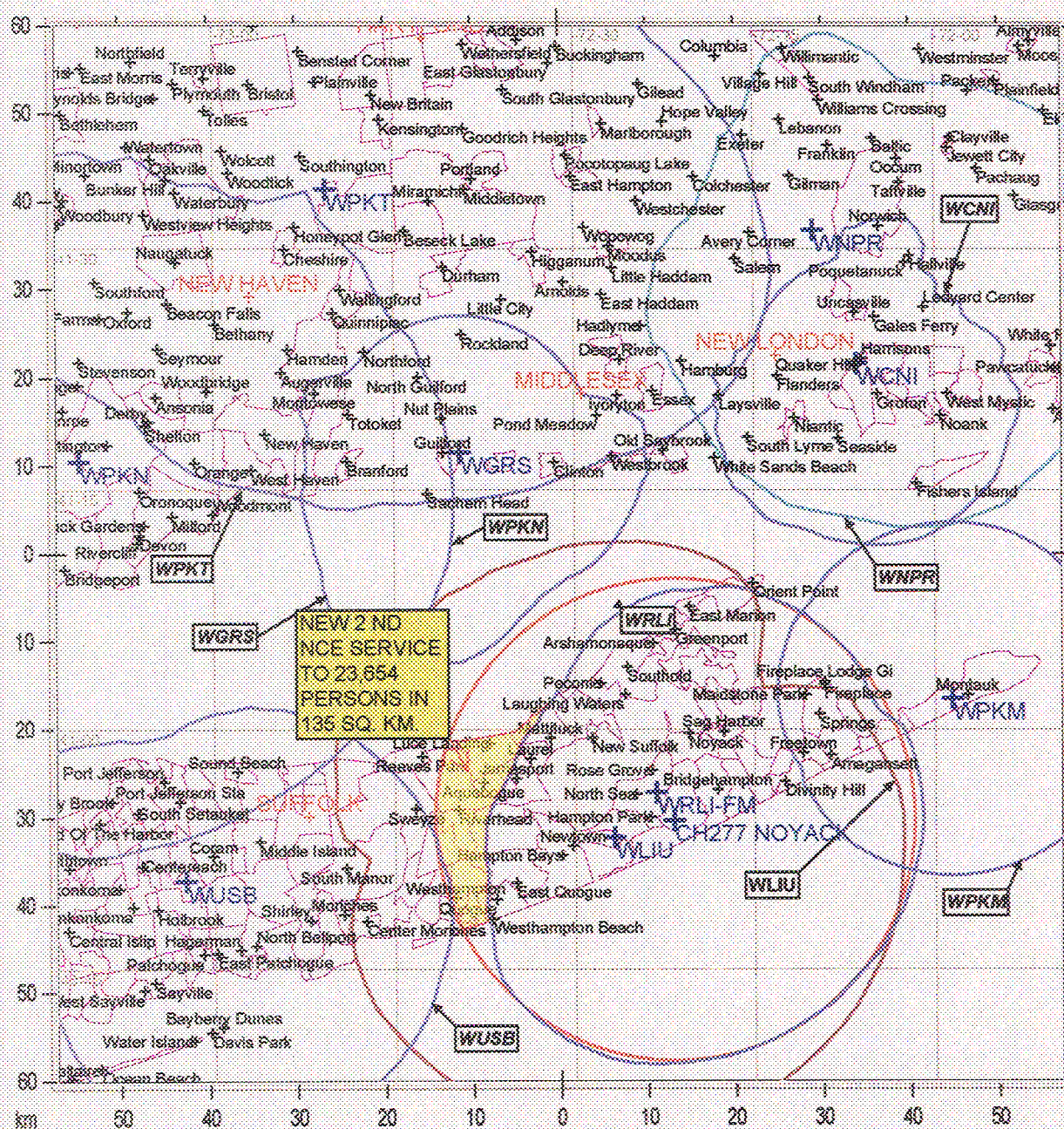
## WSUF CH210BI 1.9 kW ND H. POLARIZATION 12 kW DA VERTICAL POLARIZATION NOYACK, NEW YORK



Communications Technologies, Inc. Marlton, New Jersey



## CH277A 6 kW @ 100 M HAAT NOYACK, NEW YORK



Communications Technologies, Inc. Marlton, New Jersey

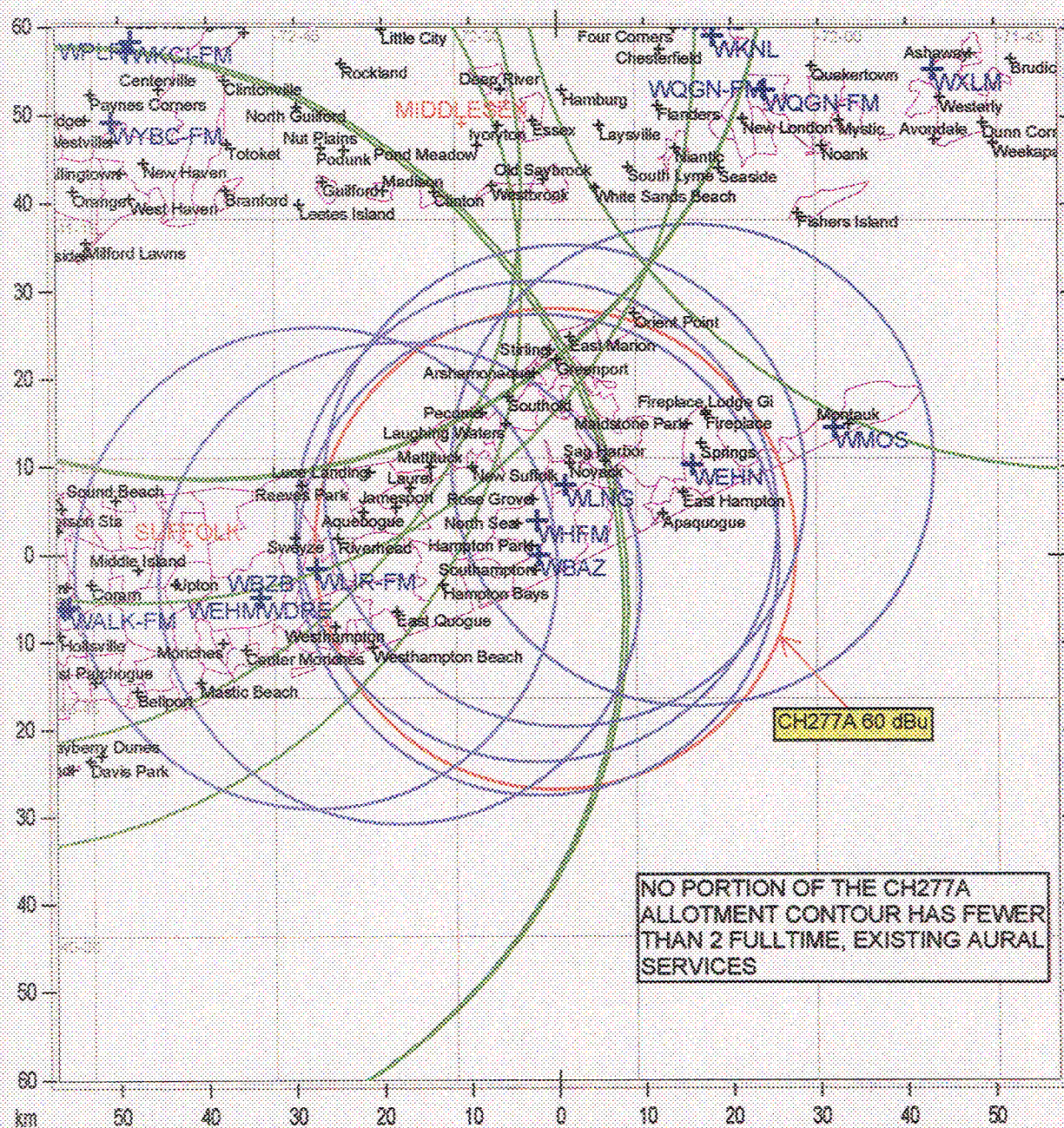
City Borders      Lat/Lon Grid

Map Scale: 1:750000    1 cm = 7.50 km    V/H Size: 120.23 x 114.35 km

FIGURE 3



## CH277A 6 kW @ 100 M HAAT NOYACK, NEW YORK



Communications Technologies, Inc. Marlton, New Jersey

City Borders Lat/Lon Grid

Map Scale: 1:750000 1 cm = 7.50 km V/H Size: 120.23 x 114.35 km

FIGURE 4

**CERTIFICATE OF SERVICE**

I, Elbert Ortiz in the law firm of Wiley Rein LLP, do hereby certify that I have on this *10th day of September, 2007, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Reply Comments" to the following:*

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